

09 - 22 - 06

APR
27

Attorney's Docket No.: 17111-007US1 / 2307US



RESPONSE UNDER 37 CFR §1.116--
EXPEDITED PROCEDURE--
EXAMINING GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Keck et al. Art Unit : 1633
Serial No. : 09/601,997 Examiner : Janet L. Epps-Ford
Filed : December 15, 2000 Conf. No. : 5984
Cust. No. : 20985
Title : NON-BACTERIAL CLONING IN DELIVERY AND EXPRESSION OF
NUCLEIC ACIDS

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith are a Response to the Final Office Action, mailed October 20, 2005, and to the Advisory Action mailed May 22, 2006, the requisite fee for a three-month extension of time, and a return postcard in connection with the above-captioned patent application. If a Petition for extension of time is needed, this paper is to be considered such Petition.

Extension fee for a three-month extension of time:

- ☒ By a small entity.....\$510.00
- ☒ The Commissioner is hereby authorized to charge the fee for the extension of time and any other fee that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,

Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 17111-007US1/2307US
Address all correspondence to:
Stephanie L. Seidman
Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (202) 626-7796
email: seidman@fr.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number EV 740120955 US
Date of Deposit September 20, 2006
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

Stephanie Seidman



RESPONSE UNDER 37 CFR §1.116
--EXPEDITED PROCEDURE--
EXAMINING GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Keck *et al.* Art Unit : 1633
Serial No. : 09/601,997 Examiner : Janet L. Epps-Ford
Filed : December 15, 2000 Conf. No. : 5984
Cust. No. : 20985
Title : **NON-BACTERIAL CLONING IN DELIVERY AND EXPRESSION OF
NUCLEIC ACIDS**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER FINAL

Dear Sir:

Responsive to the Final Office Action, mailed October 20, 2005, and to the Advisory Action mailed May 22, 2006, and further to the telephone interview of April 20, 2006, the Amendment after Final and Notice of Appeal filed April 20, 2006, the interview of September 12, 2006 (hereinafter, "interview"), and e-mail communications dated September 14, 2006, following up on discussions during the interview, consideration of the following remarks and entry of the following Amendment, which is in accord with the Examiner's suggestions pursuant to discussions in the aforementioned interview, is respectfully requested. It is respectfully submitted that entry of the Amendment places the application into condition for allowance or, alternatively, reduces the number of issues for appeal by addressing specific requirements set forth by the Examiner in the Final Office Action, in the Advisory Action and in the interview. For example, amendment of Claim 58 obviates the indefiniteness rejection under 35 U.S.C. §112, second paragraph.

Amendments to the Claims are reflected in the listing of the claims which begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

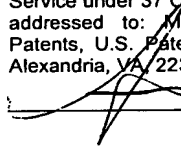
09/22/2006 MGBREH1 00000114 09601997

01 FC:2253

510.00 OP

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number: EV 740120955 US
Date of Deposit: **September 20, 2006**

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.


Stephanie Seidman